

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHARKEY JAMES,

Petitioner,

-against-

WILLIAM F. KEYSER,

Respondent.

20-CV-3468 (LTS)

ORDER DIRECTING ORIGINAL
SIGNATURE

LAURA TAYLOR SWAIN, United States District Judge:

Petitioner brings this action *pro se*. Petitioner submitted the application to proceed *in forma pauperis* (IFP application), that is, without prepayment of fees, without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Petitioner is directed to resubmit the signature page of the IFP application with an original signature to the Court within two weeks of the date of this order. A copy of the signature page is attached to this order.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. No answer shall be required at this time. If Petitioner complies with this order, the Court shall process the case in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the Court will dismiss the action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: May 7, 2020
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

Sharkey James
DIN No. 15A3784
Sullivan Correctional Facility
P.O. Box 116
Fallsburg, NY 12733-0116

NYW6

UNITED STATES DISTRICT COURT
Southern DISTRICT OF NEW YORK

James Scharkey
 (Plaintiff or Petitioner)

20-cv-3468

-vs-

AFFIDAVIT IN SUPPORT
 OF REQUEST
 TO PROCEED
 IN FORMA PAUPERIS

William F. Keyser
 (Defendant(s) or Respondent(s))

James Scharkey, am the plaintiff/petitioner in the above-entitled case. In support of my motion to proceed without being required to prepay fees, costs, or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore and that I believe I am entitled to redress.

I further declare that the responses which I have made to questions and instructions below are true.

1. Are you presently earning money? Yes ☐ No ☒
- a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. Between \$50 or \$100
- b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. \$14 cent

2. Have you received within the past twelve months any money from any of the following sources:

- a. An employed spouse? Yes ☒ No ☐
- b. Business, profession, or form of self-employment? Yes ☐ No ☐
- c. Rent payments, interest, or dividends? Yes ☐ No ☐
- d. Pensions, annuities, or life insurance payments? Yes ☐ No ☒
- e. Gifts or inheritances? Yes ☐ No ☐
- f. Any other sources including relatives or friends? Yes ☐ No ☐

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months. \$400

3. How much cash do you have? _____
4. How much money do you have in a checking account(s)? N/A
5. How much money do you have in a savings account(s)? N/A
6. If you are an inmate of a correctional facility, state the amount of funds in your inmate account: _____
7. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes ☐ No ☒

If the answer is yes, describe the property and state its approximate value. N/A

8. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4/27/20
 (date)

(Signature)